



**THE PROFESSIONAL CHARGES (PRICE FREEZE) REGULATIONS
1984**

DAVID BEATTIE, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 18th day of July 1984

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Economic Stabilisation Act 1948, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

ANALYSIS

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| <ol style="list-style-type: none"> 1. Title 2. Commencement and expiry 3. Meaning of professional services 4. Limitations on charges for professional services 5. Issuing and application of scales of professional charges 6. Disbursements may be recovered | <ol style="list-style-type: none"> 7. Hardship 8. Prohibited transactions 9. Evidence in prosecutions 10. Remuneration within Wage Adjustment Regulations 1974 not affected 11. Services for overseas persons not affected 12. Charges for veterinary clubs to members excluded
Schedule |
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REGULATIONS

1. Title—These regulations may be cited as the Professional Charges (Price Freeze) Regulations 1984.

2. Commencement and expiry—(1) These regulations shall come into force on the 19th day of July 1984.

(2) These regulations shall continue in force until the close of the 18th day of October 1984, and shall then expire.

3. Meaning of professional services—In these regulations “professional services” means any services of the kind described in the Schedule to these regulations.

4. Limitations on charges for professional services—(1) No person shall make, for any professional services rendered while these regulations are in force, a charge that is greater than that which would have been made by him for services of the same kind if they had been rendered and charged for immediately before the 18th day of July 1984.

(2) Where, immediately before the commencement of these regulations, any person was not in practice, or was not making charges for any professional services or for any particular kind of professional services, that person shall not make for those professional services, or for that particular kind of professional services, rendered while these regulations are in force, a charge that is other than reasonable having regard to the provisions of subclause (1) of this regulation and to the charges made, immediately before the 18th day of July 1984, by other persons who rendered services of the same kind in the same or any similar locality.

(3) For the purposes of this regulation services that are substantially of the same nature as other services shall be deemed to be of the same kind.

5. Issuing and application of scales of professional charges—(1) Where it is the practice of any society, institute, or other body, being a society, institute, or other body whose membership is comprised wholly or principally of the members of any profession, to issue any scale of charges to be made by members of that profession for their professional services, whether or not those members are obliged by the rules of that society, institute, or body or by law to observe any such scale,—

(a) The society, institute, or other body shall not issue a new scale while these regulations are in force; and

(b) Where, under any such scale applicable immediately before the 18th day of July 1984, an actual charge or a maximum charge was specified in respect of any professional service, no person shall make for any such service, rendered while these regulations are in force, a charge which is greater than the charge or the maximum charge, as the case may be, so specified or which would contravene regulation 4 (1) of these regulations.

(2) Nothing in these regulations prevents any person from making, for any professional service rendered while these regulations are in force, a charge that is not greater than any actual charge or maximum charge specified in respect of that service in any scale of charges applicable for the time being and prescribed or approved in or pursuant to any enactment by the Governor-General by Order in Council or by any Minister of the Crown or by any officer in the service of the Crown.

(3) Where any scale of charges applicable by virtue of subclause (1) or subclause (2) of this regulation does not specify the particular fee that may be charged for any professional services but indicates that a rate per hour or a rate proportionate to the difficulty of the work or to the time taken or to both may be charged, no person shall charge, for any such services rendered while these regulations are in force, a rate that is other than reasonable having regard to the provisions of regulation 4 of these regulations.

6. Disbursements may be recovered—Nothing in these regulations prevents any person from recovering money disbursed by him on behalf of a client (other than amounts which are disbursed for professional services and which exceed those permitted by these regulations).

7. Hardship—(1) Where any person establishes to the satisfaction of the Secretary that compliance with the provisions of these regulations would result in a serious deterioration in the financial stability and economic viability of his business, the Secretary, may, in his discretion, exempt that person from compliance, in whole or in part, with any of the provisions of these regulations for such period and subject to such conditions as the Secretary thinks fit.

(2) Where the Secretary has given any exemption in accordance with subclause (1) of this regulation, no person to whom that exemption applies shall perform any professional services to which that exemption applies otherwise than in conformity with that exemption.

(3) For the purposes of these regulations, “Secretary” means the Secretary of Trade and Industry; and, in relation to any power conferred on the Secretary by this regulation, includes any person to whom the Secretary of Trade and Industry has, with the authority of the Minister of Trade and Industry, delegated that power by writing under the hand of the Secretary of Trade and Industry.

(4) Nothing in this regulation shall limit or affect the provisions of Part II of the Commerce Act 1975.

8. Prohibited transactions—No person shall—

- (a) Enter into any transaction, or make any contract or arrangement, purporting to do, whether presently or at some future time or upon the happening of any event or contingency, anything that contravenes or will contravene the provisions of these regulations; or
- (b) Enter into any transaction or make any contract or arrangement, whether orally or in writing, or do any thing, for the purpose of or having the effect of, in any way, whether directly or indirectly, defeating, evading, or preventing the operation of these regulations in any respect.

9. Evidence in prosecutions—In any proceedings for an offence that consists of a contravention of or a failure to comply with any provision of these regulations, the production by or on behalf of the informant of a verified copy of any entry in any accounts or records kept by or on behalf of the defendant, or of any invoice, receipt, statement of account, or other document issued by or on behalf of the defendant, and purporting to disclose the charge made by the defendant for any professional services, shall, in the absence of proof to the contrary, be sufficient evidence of the charge made for those services.

10. Remuneration within Wage Adjustment Regulations 1974 not affected—Nothing in these regulations shall limit the remuneration paid to any person for any professional services if his remuneration for those services is governed by an instrument within the meaning of the Wage

Adjustment Regulations 1974* or by an instrument prescribing the remuneration of any State employee (as defined in regulation 45A of those regulations) or by any determination made by the Higher Salaries Commission.

11. Services for overseas persons not affected—Nothing in these regulations shall apply in respect of professional services rendered,—

(a) Outside New Zealand; or

(b) Within New Zealand for any person (other than a New Zealand citizen) who has no fixed and permanent place of business or abode in New Zealand.

12. Charges for veterinary clubs to members excluded—(1) Nothing in these regulations shall apply in respect of charges made by any veterinary club for veterinary services performed by it or on its behalf for its members.

(2) Nothing in this regulation limits or affects any of the provisions of the Price Freeze Regulations 1984†.

*S.R. 1974/143 (Reprinted with Amendments Nos. 1 to 16: S.R. 1978/226)

Amendment No. 17: (*Revoked by S.R. 1982/161*)

Amendment No. 18: S.R. 1980/192

Amendment No. 19: S.R. 1980/216

Amendment No. 20: S.R. 1982/161

Amendment No. 21: S.R. 1982/235

Amendment No. 22: S.R. 1983/144

Amendment No. 23: S.R. 1983/191

Amendment No. 24: S.R. 1984/4

Amendment No. 25: S.R. 1984/116

†S.R. 1984/193

SCHEDULE

Reg. 3

PROFESSIONAL SERVICES

1. Services (whether as accountants, auditors, consultants, advocates, investigators, or advisers) performed by chartered accountants or chartered accountants in public practice within the meaning of the New Zealand Society of Accountants Act 1958.

2. Services of actuaries in their capacity as such.

3. Services of architects registered under the Architects Act 1963 in their capacity as such.

4. Chiropractic services, being services performed by chiropractors registered under the Chiropractors Act 1982 in their capacity as such.

5. Dental services, being services performed by registered dentists within the meaning of the Dental Act 1963 in their capacity as such.

6. Services performed by dietitians registered under the Dietitians Act 1950 in their capacity as such.

7. Services of insurance brokers in their capacity as such.

8. Legal services, being services performed by practitioners within the meaning of the Law Practitioners Act 1982 in their capacity as such.

9. Medical services, being the provision of medical or surgical advice or attendance and the performance of surgical operations, performed by registered medical practitioners within the meaning of the Medical Practitioners Act 1968.

10. Services performed by medical laboratory technologists registered under the Medical and Dental Auxiliaries Act 1966 in their capacity as such.

11. Services performed by medical radiation technologists registered under the Medical and Dental Auxiliaries Act 1966 in their capacity as such.

12. Nursing services, being services performed by nurses registered under the Nurses Act 1971 in their capacity as such.

13. Services performed by occupational therapists registered under the Occupational Therapy Act 1949 in their capacity as such.

14. Services of optometrists or dispensing opticians registered under the Optometrists and Dispensing Opticians Act 1976 in their capacity as such and of optical dispensers in their capacity as such.

15. Services performed by podiatrists registered under the Medical and Dental Auxiliaries Act 1966 in their capacity as such.

16. Services of professional engineers or technologists, being persons practising as consultants in the field of—

(a) Civil engineering;

(b) Mechanical, aeronautical, marine, electrical, or electronic engineering;

(c) Mining, quarrying, soil analysis, or other forms of mineralogy or geology;

(d) Agronomy, forestry, livestock rearing, or ecology;

(e) Metallurgy, chemistry, biochemistry, or physics;

(f) Any other form of engineering or technology of a kind similar to those referred to in the preceding paragraphs of this clause.

17. Services of patent attorneys in their capacity as such.

18. Services of physiotherapists registered under the Physiotherapy Act 1949 in their capacity as such.

19. Services performed by radiographers in their capacity as such.

20. Services performed by real estate agents within the meaning of the Real Estate Agents Act 1976 in their capacity as such.

21. Services of sharebrokers licensed under the Sharebrokers Act 1908 in their capacity as such.

22. Services of ship brokers in their capacity as such.

23. Services of surveyors of land (including surveyors registered under the Surveyors Act 1966), quantity surveyors, surveyors of buildings or other structures, and surveyors of ships, in their capacity as such.

24. Services performed by valuers of land or of chattels in their capacity as such.

25. Veterinary services performed by veterinary surgeons registered under the Veterinary Surgeons Act 1956 in their capacity as such.

P. G. MILLEN,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations restrict the charges that may be made for professional services rendered during the period beginning with 19 July 1984 and ending with the close of 18 October 1984. It is an offence against section 18 of the Economic Stabilisation Act 1948 to act in contravention of these regulations.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 19 July 1984.

These regulations are administered in the Department of Trade and Industry.